

REMARKS

Claims 1-34 are pending and subject to a requirement for restriction. Claims 1-29 have been canceled, and claim 32 has been amended to depend from claim 30. Claims 35-50, have been added, as supported by original claims 10-17, 19-23, and 33 and 34. Claims 30-50 remain in the case.

Applicants hereby provisionally elect the claims of Group II, claims 30-32, for examination on the merits. Applicants respectfully traverse the restriction between Groups II and III. The basis for restriction between these two groups is that Group II is drawn to methods of producing bi-specific antibodies using one host cell, that Group III is drawn to methods of producing bi-specific antibodies using two host cells, and that the two are "unrelated" and "have different modes of operation, different functions, or different effects." In the first instance, it is noted that Group II is drawn not only to methods of producing bi-specific antibodies using one host cell, but also to recombinant DNA constructs and a set of expression cassettes. The latter are useful in methods of producing bi-specific antibodies using two host cells. Thus, to say that Groups II and III are "unrelated" is inaccurate. Moreover, the claims of Group III recite either production in a single host cell *or* production in two host cells. On this basis also, the restriction is ill-founded. Furthermore, the examiner has not demonstrated that there would be any undue burden in examining Groups II and III together, since they both have the same classification.

Finally, even if restriction is proper for purposes of initial examination, the PTO is obliged, under the doctrine set forth in *In re Ochiai*, to examine claims both to methods of producing bi-specific antibodies using one host cell and to methods of producing bi-specific antibodies using two host cells, as both of these are methods of using the products that are grouped in Group II.

Serial No.: 09/382,186

The initial Action on the merits is awaited. The examiner is invited to contact the undersigned with any questions regarding the above-identified application.

Respectfully submitted,

Feb. 26, 2001
Date



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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.